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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 11 August 2009 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith the report of the Government of Mexico on the implementation of Security Council resolution 1874 (2009) (see annex).

(*Signed*) Claude **Heller**
Ambassador
Permanent Representative to the United Nations

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Annex to the letter dated 11 August 2009 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Committee

Report of the Government of Mexico to the sanctions committee on the Democratic People's Republic of Korea concerning implementation of paragraph 24 of Security Council resolution 1874 (2009)

Mexico takes the view that the existence of weapons of mass destruction and their vertical and horizontal proliferation constitutes one of the most serious threats to international peace and security.

The Mexican Government supports international measures or initiatives designed to prohibit the production or use of weapons of mass destruction and in particular urges all States to comply with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons. The Mexican Government considers that the actions of the Democratic People's Republic of Korea (DPRK) are evidence of the urgent need for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and therefore invites countries which have not yet signed or ratified the Treaty to do so as soon as possible.

The Mexican Government deplores acts contrary to the purposes of nuclear disarmament and non-proliferation of nuclear weapons and therefore strongly condemns the nuclear test which the DPRK confirmed that it had carried out on 25 May and the launches of missiles, as those actions are contrary to international law and the purposes of disarmament and non-proliferation of nuclear weapons. They also exacerbate tension in the Korean Peninsula and may jeopardize regional stability.

Convinced of the importance of providing the Committee with all the tools needed to monitor and verify compliance with the provisions of resolution 1874 (2009), the Mexican Government submits the following report.

In paragraph 22 of resolution 1874 (2009), the Security Council decided that all States should report to the Committee on the national measures they had taken to implement the provisions of the resolution.

In that regard, it is reported that in accordance with article 133 of the Political Constitution of the United Mexican States, the Charter of the United Nations is part of the supreme law of the Union. As Article 25 of the Charter establishes that the Members of the Organization have agreed to accept and carry out the decisions of the Security Council, resolution 1874 (2009) is binding for the Mexican Government.

Details are given below of the measures adopted in relation to the various obligations set out in resolution 1874 (2009) and the applicable legal framework.

Trade restrictions

In paragraph 9 of resolution 1874 (2009), the Security Council:

"Decides that the measures in paragraph 8 (b) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions,

technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or materiel".

In paragraph 10, the Security Council:

"Decides that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, except for small arms and light weapons and their related materiel, and calls upon States to exercise vigilance over the direct or indirect supply, sale or transfer to the DPRK of small arms or light weapons, and further decides that States shall notify the Committee at least five days prior to selling, supplying or transferring small arms or light weapons to the DPRK".

In that regard, the Government of Mexico is enforcing the trade embargo against the DPRK and prohibits the acquisition or delivery of items subject to the provisions of Security Council resolutions 1695 (2006), 1718 (2006) and 1874 (2009) by means of an administrative agreement. This agreement is consistent with the Constitution and allows the President of the Republic, or the Ministry of Foreign Affairs or the Ministry of Economic Affairs acting on his behalf, to ban exports or imports of goods.

The Agreement was published in the Official Gazette and, in its article 9, prohibits the export or import from the DPRK of various items that are subject to sanctions imposed by the Security Council.

Under Mexican law, the provisions set out in the agreement referred to are a matter of public policy and apply throughout the national territory, that is, compliance is obligatory for all physical persons or entities that plan to export or import any of the items referred to in that document.

Inspection of goods and interception of ships and aircraft

In order to comply with cargo inspection requirements at ports and airports, and on ships and aircraft, both in Mexican territory or on the high seas, in connection with the sanctions imposed on the DPRK by resolution 1874 (2009), the Ministries of the Navy and of Finance and Public Credit apply the following legal framework:

- Federal Civil Service Organization Act
- Federal Oceans Act
- Ministry of the Navy Organization Act
- United Nations Convention on the Law of the Sea, Jamaica, 1982
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- International Ship and Port Facility Security Code (ISPS), with reference to chapter XI-2 of the:
- International Convention for the Safety of Life at Sea, 1994

As for the administrative framework, a 2008 coordination and cooperation agreement between the Ministry of the Navy and the General Customs Administration provides for the implementation of monitoring, surveillance, protection and security measures in special tax areas and ports in Mexico.

As for cargo inspection, the General Customs Administration has non-intrusive equipment at various customs houses in Mexico. At the port of Veracruz, all shipments are reviewed.